

INSPECTOR'S STATEMENT- Event Violation
Minerals Regulatory Program

Company/Mine: Blue Mountain Crushing LLC/BMC Seep Ridge Road
Permit #: S/047/0119

Violation # MC-2014-60-07
Date Issued 10/22/2014

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation**. Mark and explain each event.

- ☐ a. Activity outside the approved permit area.
- ☐ b. Injury to the public (public safety).
- ☐ c. Damage to property.
- ☐ d. Conducting activities without appropriate approvals.
- ☐ e. Environmental harm.
- ☐ f. Water pollution.
- ☐ g. Loss of reclamation/revegetation potential.
- ☐ h. Reduced establishment, diverse and effective vegetative cover.
- ☒ i. Other.

Explanation: The operator failed to replace their surety bond.

2. Has the event or damage occurred? **No**
If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: _____

3. Did any damage occur as a result of the violation? **No**
If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: No, damage is not an accurate way to describe a violation of this nature.

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: The operator was issued a notification letter from the Division on August 13, 2014 informing them that the surety bond was being cancelled by their surety company. The company was given 90 days to replace the surety bond but failed to do so.

Furthermore, the Division contacted the company by telephone on October 2, 2014 to discuss the August 13, 2014 letter. I explained the seriousness to Scott Cusick. Furthermore, I was notified by John Blake of SITLA that the lease was being cancelled by SITLA as of November 30, 2014. SITLA has sent the Division a request to have the operator reclaim the site.

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

☐ Was the operator in violation of a specific permit condition?

Explanation: _____

☐ Has DOGM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: _____

☒ Was any economic benefit gained by the operator for failure to comply? ☐ If yes explain.

Explanation: **The Company failed to make the time, effort, or additional expense of replacing the \$62,200 bond.**

GOOD FAITH (only if violation has been terminated)

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: _____

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: _____

3. Was the submission of plans prior to physical activity required by this NOV/CO? ☐ If yes, explain.

Explanation: _____

April A. Abate
DOGM Inspector

Signature

10/23/2014
Date

File Name and Path